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# Honour, Duelling and Royal Power in Exile: a case-study of the banished Caroline Stuart Court, c.1649-c.1660

John Jeremiah Cronin<sup>1</sup>

*L'étude des duels d'honneur et des violences entre courtisans à la cour de Charles II d'Angleterre en exil aux Pays-Bas espagnols à la fin des années 1650 éclaire les relations de pouvoir et d'honneur entre les souverains et leurs élites à l'époque moderne. En étudiant les suites de deux duels qui, directement ou indirectement, concernaient un noble irlandais, Théobald, vicomte de Taaffe, cet article examine les motifs de ces violences et le point de savoir si l'exil a modifié les pratiques de duel au sein de celle-ci. Il éclaire aussi la manière dont les nobles défendaient leur implication dans ces conflits et les efforts de Charles II, pater familias de cette cour royale, pour les prévenir ou les contrôler. En définitive, cette étude remet en cause la thèse de Norbert Elias visant la manière dont les familles royales civilisaient et contrôlaient les pulsions violentes de l'élite et de la noblesse qui leur était attachée. Elle conclut en effet que Charles II partageait la même conception de l'honneur que ses courtisans, ce qui implique qu'en dépit de ses efforts pour les contrôler, il ne pouvait dénier à son entourage le droit de défendre sa réputation et sa position sociale d'une manière socialement acceptable, telle que le duel.*

*Through an examination of honour duels and violence between the courtiers within Charles II's exiled court in late 1650s Spanish Netherlands, this article casts light on the power and honour relationships between monarchs and their elites in the early-modern period. It does this by primarily studying the fallout from two duels that, directly or indirectly, involved an Irish nobleman, Theobald Viscount Taaffe. The article considers the reasons that motivated elite violence in this court and also examines if exile changed duelling practices within it. It also throws light on how the courtiers defended their involvement in such clashes. The efforts of the pater familias of this royal household, Charles II, to prevent or limit such violent behaviour are*

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*also studied. Ultimately the article challenges Norbert Elias' thesis on how royals civilised and controlled the violent impulses of their elite and noble followers. It does so by concluding that Charles II shared the same concept of honour as his courtiers. This meant that, despite Charles II's efforts to control violence in his own royal household, he could not deny his followers the right to defend their own good name and social standing in a socially acceptable manner, such as the duel.*

Duelling in early modern Britain and Ireland has been a subject of considerable academic scrutiny over the last four decades. Donna Andrew's article on the opposition to duelling in England over the course of eighteenth and nineteenth centuries at the beginning of the 1980s can be seen as an important step in this. The same decade ended with Victor Kiernan's survey of the history of the duel in Europe. This work nonetheless retained a particularly British focus. Written in 1995, James Kelly's book on duelling in Ireland threw even more light on the practice both there and in Britain, and has become the standard account of the phenomenon in that country, giving a compelling overview of its history there from the sixteenth into the nineteenth century.<sup>2</sup> Since then other works have been produced which add to our understanding of duelling in Britain and Ireland during that era. Robert Shoemaker, for his part, has examined how duelling evolved on these islands between the Restoration and the 1800s to become more ritualised, less bloody and less common. Markku Peltonen's book studying the link between civility, honour and duelling in early modern England has advanced our understanding of the social assumptions and values underpinning the practice, while Roger Manning's work on the martial culture of England's seventeenth-century elite has also highlighted the importance of such clashes to this caste. These books, along with the work of Richard Cust and Andrew Hopper, have likewise thrown light on official and unofficial efforts to curtail the practice in early-Stuart England. More recently, Richard Banks has written a survey of pistol duelling in eighteenth and nineteenth century England.<sup>3</sup>

This article aims to further our understanding on both the nature and significance of duelling through a study of the practice in a specific context, namely Charles II's exiled court between the years 1649-1660. I hope to do this by studying some of the best-documented duels there. I shall especially focus on a duel from August 1658, between a Catholic Irish nobleman and favourite of Charles II, Theobald Viscount Taaffe, and a Scottish Presbyterian gentleman, Sir William Keith. This combat, which is documented in great detail, has featured in many historical studies of the Stuart period, as well as in some studies of violence. Kelly's study of duelling, for instance, cites this contest to support his justifiable contention that Irish royalist exiles had a major role in spreading the practice to Ireland.<sup>4</sup> I will likewise examine another well-documented duel from early 1659, between Edward Stanley, a son of the Earl of Derby, and another Scottish exile, James Livingston, Viscount Newburgh. These duels, of course, may not be representative of other such contests during the exile, but the amount of evidence available for them certainly suggests that they were seen as significant. Furthermore, duelling's status as both a private and illegal act, even in

<sup>2</sup> Andrew (1980); Kiernan (1988); Kelly (1995).

<sup>3</sup> Shoemaker (2002); Manning (2003); Peltonen (2003); Cust, Hopper (2006); Banks (2010).

<sup>4</sup> Birch (1742a, p. 576); Kelly (1995, p. 30).

exile, often means that the information necessary to carry out a comparison between duels, or even to quantify them, is unavailable.

Despite the difficulty in quantifying duelling in this court, it is fair to say that such contests happened frequently. Accounts of violent deeds, duels and brawls regularly feature in the historiography on Charles II's exile. Ronald Hutton has argued that duelling was both a prominent and consistent feature of life amongst the royalist exiles. It is equally reasonable to say that questions of honour were the leading cause of these incidents.<sup>5</sup> This, unsurprisingly, was not especially unique to this court. As many general studies of all the Stuart royal courts have noted, questions of honour frequently led to duels and violence amongst their members. Violence between courtiers also occurred in other exiled courts. Nathalie Genet-Rouffiac, in her work on the banished Jacobite household of the late 1600s and early 1700s, has drawn attention to the high levels of violence and blames it on a sense of dispossession and powerlessness prevalent amongst the exiles. Surveys of other early-modern courts, meanwhile, have also highlighted the propensity to violence within all such institutions, attributing it to courts being places where warriors, competitors and rival suitors gathered around a prince.<sup>6</sup> Indeed, duelling was a phenomenon found amongst those contemporary members of the British and Irish elites beyond the reach of the exiled court as well. It was a problem amongst elite royalists in Scotland during the 1650s. The prevalence of duelling in 1650s England also forced Cromwell to issue an ordinance against the practice in 1654.<sup>7</sup> In a wider context, then, the tendency of Charles II's exiled courtiers to resort to violence both to defend their honour and to resolve disputes was not exceptional.

Yet, while duelling was not unique to the exiled Caroline Stuart court, one cannot escape the impression, supported by contemporary anecdotal evidence, that this form of violence was unusually prevalent within it. Contemporaries believed this to be especially true for the years 1656-59, when Charles II's court was in the Spanish Netherlands. A letter of 10 March 1658 to the King's secretary, Sir Edward Nicholas, mentions a duel between Viscount Newburgh and a Captain Bream. The same letter also states that Edward Stanley had challenged Sir James Hamilton to a duel over a jest, and another courtier, George Benion, challenged a Mr. Silvius over a gambling debt, though violence was avoided in both of the last two cases. In another letter describing a duel, written in September 1658 to his brother in Scotland, Sir Richard Newport commented upon the marked tendency for the royalist exiles to argue amongst themselves, stating that "tis [sic] strange [i.e. surprising] to hear of the dissensions amongst the exiled English, Scotch and Irish in Flanders".<sup>8</sup> The three questions that face us are these: first, assuming contemporary claims are correct, how do we account for the seemingly widespread occurrence of the duel in this exiled court; second, what were the unique characteristics of the duel in this setting, if any; finally, what insights can a study of duelling in this environment provide?

In addressing these questions, I work on the assumption that this was a genuine royal court. I do this because, even in exile, it continued to be both a monarch's

<sup>5</sup> Hutton (1989, pp. 122-123); British Library, Egerton, Mss, vol. 2535/130-1.

<sup>6</sup> Hibbard (1996, p. 160); Genet-Rouffiac (1995, p. 38); Muchembled (2002, p. 159).

<sup>7</sup> MacDonald (2008, p. 348); Cromwell (1654, pp. 1-5); Green (1879, pp. 217, 218, 404); *ibid.* (1886, pp. 135 & 175).

<sup>8</sup> Green (1884, pp. 310-311); HMC (1876, pp. 146-147).

household and the centre of royal political activity. Additionally, many on the continent still saw Charles II as a legitimate royal during this decade. Venetian ambassadors, for instance, still referred to him as a king, or prince. Many in Britain and Ireland also accepted him as their rightful monarch at this time. Irish Language poetry, a medium frequently used for expressing political views in the early modern era, often expressed support for the exiled monarch. There were even spies who, despite working for the Commonwealth, referred to Charles II as the “King of Scots”.<sup>9</sup> Finally, it is obvious that those who followed him into exile did so because they accepted his claim to royal status and power. I also work on the assumption that Charles II’s lack of a territorial kingdom in these years is no barrier to regarding his court as a royal one. Though he failed to control either Britain or Ireland during the 1650s, and lived outside them for most of this period, this monarch nevertheless claimed sovereignty over the peoples there. For royalists, exile did not represent a problem in this regard, as they argued that sovereignty was vested in the monarch’s person, regardless of where he was. There can also be little doubt that Charles II commanded a sizeable number of followers during his exile. Aside from his own courtiers, he also was able to put together a military force of between 3,000-5,000 men during his time in the Spanish Netherlands, for example. This King, it would seem, was also permitted to exercise jurisdiction over them. He was certainly allowed to do this in the area of religious affairs in the latter territory, so long as he did so discreetly. Previously, in 1655, while in the electorate of Cologne, the exiled court executed a courtier for treason, with the collusion of local authorities.<sup>10</sup>

### **FROM LOCAL LORD TO KING’S COMPANION, THEOBALD VISCOUNT TAAFFE**

An MP in the Irish Parliament during the 1630s, Taaffe was a mid-rank, provincial Irish nobleman of modest importance. His rise to prominence began in the late 1630s and 1640s, just as inter-connected civil wars, the Bishops’ wars, the Irish confederate wars and three English civil wars, broke out in Britain and Ireland. The Bishops’ wars started in 1638 because of a religious dispute between Charles I and his Scottish Presbyterian subjects, and ended in an embarrassing defeat for the King in 1641, as he lost Scotland to his rivals. Later in 1641 an Irish Catholic rebellion in Ulster, provoked by, among other things, the rising power of Protestant colonial elites in Ireland, soon turned into a nationwide event. By 1642 Irish Catholic rebels had organised themselves into a body known as the ‘Confederate Catholics of Ireland’, and were soon engaged in political negotiations with Charles I, as well as military conflict with Scottish Presbyterian colonists in Ulster and English Protestant colonists in the south of Ireland. Meanwhile, the first English civil war between Charles I’s royalist supporters and the English Parliament began in 1642.

These different conflicts soon intertwined with each other. Once the Irish wars started, Protestant settlers in Ulster received military support from Scotland’s Presbyterians (or ‘Covenanters’). As mentioned earlier, Charles I entered into

<sup>9</sup> Hinds (1931, p. 43); Birch (1742a, p. 294); O’Rahilly (1952, pp. 99-100); Mitchison (1990, pp. 62-64); Ashton, (1985, p. 409); Daly (1971, p. 43).

<sup>10</sup> Cronin (2007, pp. 183, 203, 222); Scott (1907, pp. 146-152).

alliance negotiations with Irish confederate Catholics in 1642. This caused many Protestants in Ireland to turn to the English Parliament for further assistance. The following year the Covenanters allied with the English Parliament, entering into the first English civil war. This particular conflict ended in 1647, with Charles I's defeat. The following year, however, a second English civil war erupted, when the Covenanters switched allegiances and, in return for religious concessions, allied with Charles I. This English conflict ended in defeat for the King once again, however. Furthermore, the English Parliament put the defeated Monarch on trial for his life and executed him in early 1649. The regicide almost neatly coincided with a significant development in Ireland. Conflict and political negotiations had continued there throughout the 1640s. In early 1649, royalists and Irish Confederate Catholics finally agreed an alliance. This meant that royalists, led by Charles I's heir, Charles II, still potentially posed a threat to the English Parliament. Consequently, in August 1649, an English Parliamentary army landed in Ireland and over the next two years quashed all Catholic-royalist forces in the country. In 1650, while the English Parliament was subduing Ireland, Charles II renewed his father's alliance with Scottish Presbyterians against the English Parliament, landed in Scotland and gathered a new army there. This led to the third English civil war, which proved to be the last significant challenge to English Parliamentary dominance in Britain and Ireland. The Parliament's army disposed of this threat in September 1651, when it defeated Charles II's army at Worcester. This sent him into exile for nearly a decade.<sup>11</sup>

Taafe initially became involved in the royalist cause when he fought for Charles I in the first English Civil War in 1642, returning to Ireland in 1643 to attend the Catholic Confederate Assembly at Kilkenny and to fight in the wars there. He became commander of the Connacht Confederate army the next year. Taafe's loyalty to the Catholic Confederates was soon doubted, however, as he refused to take the Confederate oath of Association and was replaced as commander in Connacht. Taafe later supported the Duke of Ormond, Charles I's Irish Lord Lieutenant, during efforts to negotiate an alliance between the Confederates and the Royalists in the mid-1640s, but he was disappointed by the failure of a treaty between both sides, known as the First Ormond Peace, to be accepted in 1646. Taafe was marginalised within the Catholic Confederates for some time after, but he returned to centre stage in 1647 when he became commander of the Munster Confederate army. Taafe, however, was not a competent general and Munster Protestant forces destroyed his army at the battle of Knocknuss in November that year.<sup>12</sup>

Taafe became more notable after he went into exile in continental Europe in 1649, however, soon after the Confederate-royalist alliance that year. Like many others, he initially used exile to put himself out of the reach of his enemies and to advance opposition to the English Parliament. He soon became central to royalist negotiations for military assistance from the Duke of Lorraine, but ultimately could not conclude them successfully. His subsequent attempt to lead a royalist embassy to Rome was also a failure, being scuppered before it even started. All this coincided with the Parliament's victory in Ireland and Charles II's ill-fated Scottish alliance; events which left Taafe, and many others, stranded in long-term exile on

<sup>11</sup> For an accessible account of these wars, see, Kenyon, Ohlmeyer (1998).

<sup>12</sup> Ó Siochrá (2009). For more on the Confederation of Kilkenny and events in Ireland in the 1640s, see Ó Siochrá (2008).

the continent. During the 1650s Taaffe rose to prominence within royalist ranks as a social companion to Charles II. He became central to the King's dalliances with various women, acting as an intermediary between Charles II and his female companions. In 1651, while the King was in Scotland, Taaffe became the protector of Lucy Walter, Charles' mistress. He subsequently fathered a child with her. Despite this, Taaffe grew in the King's confidence during these years. Cardinal De Retz, in his memoirs, described Taaffe as being the King's chamberlain, valet, squire and butler during the exile, and one modern commentator has described him, justifiably, as Charles II's "unofficial master of the revels" in the same period. Indeed, one could argue that Taaffe actually benefitted from banishment in some way, as it allowed him to become a close companion to Charles II. He even became one of the King's privy councillors, though he never became a major political figure amongst the King's inner circle. Taaffe was also active militarily during the exile. Prior to 1656 he played a notable role in controlling Irish mercenary soldiers on the Stuarts' behalf. In 1655, for instance, he prevented Irish soldiers in Flanders from defecting to the French. After the royalists formed a military alliance with the Spanish in 1656, he became a regimental commander in the Stuarts' small army in Flanders, formed from Irish and British troops based on the Continent.<sup>13</sup> Yet, despite his obvious pre-eminence at this time, when he killed Sir William Keith in a duel over a gambling debt in August 1658 Taaffe found himself banished from the King's presence and the royal court for some time, despite his pleas for forgiveness.<sup>14</sup>

### KILLING KEITH: ITS CONSEQUENCES AND SIGNIFICANCE

The duel arose from an argument over a sum of seven sovereigns, which Taaffe claimed he and Richard Talbot had won at tennis from Edward Stanley and Sir Richard Hopton, both English gentlemen. Taaffe was owed four sovereigns, while Talbot was owed three. Keith did not play in the tennis match, but he already owed a sum of money to Hopton, and the latter gentleman decided to use this to pay Taaffe and Talbot. Hopton consequently asked Taaffe if he would accept payment from Keith in settlement of the debt and the Viscount agreed. Taaffe later claimed that when Keith paid the debt, he kept three sovereigns for Talbot, but offered to return the other four to the Scottish gentleman. Keith refused this, however, at which point Taaffe departed. Taaffe went on to state that soon after Hopton caught up with him and demanded that the Irish nobleman return the four sovereigns to Keith or give some other satisfaction. Taaffe claimed to be angered by this and responded that he would provide satisfaction with his sword.<sup>15</sup>

The duel that arose from all this followed French fashions. In this format the fighting was not confined to the principals, but involved the seconds (and sometimes others) as well. Talbot agreed to act as Taaffe's second, while Hopton consented to do the same for Keith. All the duellists initially decided to meet on the field of honour at two o'clock that afternoon. Before the duel itself, they all went to lunch, where

<sup>13</sup> Cronin (2007, pp. 47-51, 170, 220-221); Ó Siochrá (2009); Firth (1903, p. 71); Pernot (2003, p. 448); Crist (1974, p. vi).

<sup>14</sup> Crist (1974, p.v.). Bodleian Library Oxford, Clarendon State Papers, vol. 58/181.

<sup>15</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/183.



they met Sir William Fleming, a Scottish royalist agent, George Benion, Captain Breames and a Mister Davis. This caused the duel to become even bigger. Benion approached Taaffe after they had eaten. The former informed the Irish nobleman that he had heard of the proposed duel from Edward Stanley and that Fleming also knew of it. Benion added that he would endeavour to stop it. To prevent this, Taaffe engaged Benion to fight on his side in the duel, and sent him back to Fleming to ask him (Fleming) to fight with Keith. Fleming readily consented. Keith likewise asked Davis and Breames to participate in the duel. They too agreed, Davis taking Taaffe's part and Breames taking Keith's. The participants then re-scheduled the duel for six o'clock.<sup>16</sup>

All this ultimately climaxed in a triple fight between Talbot, Benion, and Taaffe, on one side, and Hopton, Fleming, and Keith on the other. Breames did not turn up at the appointed time, and Davis was persuaded to drop out to keep the numbers of combatants even. Many of these men were inveterate duellists. We have already noted the challenge issued by Benion in 1657. Taaffe had likewise tried to fight a duel in 1657 with another exile, the Earl of Bristol.<sup>17</sup> Indeed, Taaffe's duelling tendencies predated the exile. On the eve of the battle of Knocknanuss, Taaffe offered his opposite number, Lord Inchiquin, the opportunity to fight what was essentially a large-scale duel, proposing a contest between 2,000 foot a side "more for recreation" than for any serious military reason. This offer had its parallels in other near-contemporary theatres of war, and, like those, had more to do with an individual sense of honour and glory than with sound military reasoning. Unsurprisingly, Inchiquin declined this challenge.<sup>18</sup> Talbot was also no stranger to duelling. He had fought a duel in 1656 with Charles McCarthy, Viscount Muskerry, over the latter's attempt to deny him a commission as Lieutenant Colonel in the Duke of York's regiment.<sup>19</sup>

The duel itself was a sanguinary affair. While Taaffe killed Keith, Benion wounded Fleming. Hopton and Talbot also fought, but did not inflict any injury on each other. Soon after, Taaffe fled the court, though he later denied that he did this to avoid royal justice.<sup>20</sup> This particular clash soon became notorious in contemporary reports of events and was the subject of much talk amongst both the royalist exiles, and others. These reports did not credit the participants with any fame or honour, though. Many found the trivial cause of this fatal dispute, and its rapid escalation, unacceptable. One contemporary described it as "an unhappy accident, which the meannesse of the occasion renders reproveable, even among duellers".<sup>21</sup>

The King's response to this duel was quick and arguably showed no favour to his favourite. He banished Taaffe from the royal presence within a matter of days, despite the offender begging the King for pardon in writing and despite simultaneous appeals to his patron, and one of Charles II's closest advisors, Ormond, for assistance

<sup>16</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/183-4.

<sup>17</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/183-4; Hutton, (1989, p. 124); Smith (2011, pp. 34, 82).

<sup>18</sup> Manning (2003, p. 208); O'Brien (1647, p. 3); Bagwell (1909, pp. 157-158).

<sup>19</sup> Carte (1736, p. 234).

<sup>20</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/181; Bodleian Library Oxford, Clarendon State Papers, vol. 58/184; Birch (1742b, p. 337).

<sup>21</sup> Birch (1742b, p. 340); HMC (1876, pp. 146-147).



in avoiding punishment.<sup>22</sup> Banishment, it would seem, was a severe punishment for Taaffe. Indeed, the Viscount believed that an extended absence from the royal presence would ruin him, as he depended entirely upon the exiled court for his subsistence. Furthermore, Taaffe believed that it would also lead people to cast aspersions upon his name. After he learned of his fate, he wrote to Charles II both to condemn the severity of the punishment and to seek forgiveness again. He sought this absolution on the grounds that he would have been despised (i.e. his honour would have been damaged) had he avoided what was forced upon him. In an effort to strengthen his case for absolution Taaffe called on the King in two separate letters to hear two witness accounts of the duel. The witnesses he specifically named were Keith's seconds, Fleming and Hopton. Clearly, there was a degree of collusion between the rival duellists, as Taaffe expected his opponents to protect his interests with the King. Taaffe also argued that Charles II should not punish him, because the King had made no previous public pronouncement against duels.<sup>23</sup> This was actually true, as Charles II's did not issue a specific declaration against duelling to his followers until the following November.<sup>24</sup> This was also a traditional defence against English Crown attempts to quash duelling. Having said that, royal disapproval of duelling was still well known before that declaration and other duellists had similarly fled the exiled court if they had injured their opponents in an encounter. Clearly, Taaffe, although technically correct, was taking something of a liberty when he claimed that Charles II had not forbidden duelling amongst his supporters. He must have known that the King frowned upon it. Yet, like many before, he preferred to defend his own honour than to follow his Monarch's wishes.<sup>25</sup> Taaffe's duel with Keith, it should be said, was not the sole cause of the November declaration against duelling. A number of other duels also occurred in or around this court between August and November 1658. About the same time as Taaffe killed Keith, for instance, Viscount Newburgh (another inveterate duellist) was seriously wounded and left for dead by a captain from his own regiment. The unnamed captain, believing he had killed his opponent, likewise fled the court. The cumulative impact of these duels prompted Charles II to take action.<sup>26</sup>

The declaration spelt out the treatment that duellists could expect from their King. It stated that the disturbers of the King's peace would face his wrath, lose all entitlement to employment in the royal service forever and would be denied entry into the royal presence again. These measures clearly echoed the punishment imposed on Taaffe the previous August. Moreover, it also reflected early-Stuart influence, as it drew upon earlier writings by Francis Bacon and Henry Howard, Earl of Northampton. Both of these men, arguing that duellists would balk at the prospect of being removed from the font of royal honour, had suggested similar punishments for duellists in 1613. The declaration, moreover, threatened that the King would not seek to protect duellists from the wrath of local laws against

<sup>22</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/181; Bodleian Library Oxford, Clarendon State Papers, vol. 58/183-4.

<sup>23</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/181; Bodleian Library Oxford, Clarendon State Papers, vol. 58/196.

<sup>24</sup> Warner (1920, p. 263).

<sup>25</sup> Green (1884, pp. 310-311); Larkin, Hughes (1973, pp. 303-304); Peltonen (2003, pp. 65-78).

<sup>26</sup> Scott (1907, p. 373); HMC (1907, pp. 130-131).

duelling: another clear sign that duellists risked losing royal favour (and a clear indicator that local authorities allowed Charles II *de facto* jurisdiction over his own courtiers on these matters). The November declaration likewise threatened to levy similar punishments against those who carried challenges between people, and all persons who knew of a duel were ordered to report it to the King's Privy Council. In order to publicise it amongst the courtiers this declaration was read from the pulpit and by the King's Gentleman-Usher in the Presence Chamber, one of the traditional public spaces of the royal court.<sup>27</sup>

This declaration served a similar purpose to Cromwell's 1654 ordinance against duelling. Yet, despite some similarities, the November declaration shows that the court took a different approach to this problem than its Commonwealth-based rival. Both the Commonwealth and the exiled court prescribed punishments for persons who carried challenges between persons, and both insisted that, to prevent them being carried out, challenges should be made known to the relevant authorities. Yet, Cromwell's 1654 ordinance insisted that all persons caught issuing, carrying or accepting challenges would face at least six months in prison, without bail, before being sent to trial. Failure to report a challenge, under the Commonwealth's ordinance, would also be taken as proof of having accepted it. Finally, the 1654 ordinance went further than Charles II's 1658 declaration in its proposed punishments for duellists. That ordinance stated that anyone who participated in a duel would, at the very least, risk permanent banishment from the Commonwealth, while participants in a clash that led to fatality would be tried for the capital crime of murder. This, unlike Charles II's 1658 declaration, went against the advice given by Northampton and Bacon some 41 years earlier. They had both contended that such severity was inappropriate. Indeed, Bacon stated it would be ineffective, as the threat of death would have little impact on someone who was willing to risk life and limb for honour.<sup>28</sup> The difference should not be ascribed to the exiled court's lack of a proper legal framework either. As mentioned earlier, this body was capable of executing persons for capital crimes. A clear sign of legitimacy of court as a royal court as we shall see later, it was also capable of constituting ad-hoc courts, based on pre-exile models, to examine particular issues.

In contrast, the measures taken by Charles II against duelling throughout his exile arguably represent a significant (and, in all likelihood, deliberate) continuity between the exiled court and its ante-bellum predecessors. James I had made a considerable effort to ensure peace between the nobility in his court and to prevent duelling, issuing a declaration against it in 1613. Charles I, as we shall see later on, also made strenuous efforts to prevent duels amongst his courtiers. Indeed, some historians have even seen Charles I's failure to maintain peace between these elite persons as a contributory cause to the outbreak of the British and Irish civil wars.<sup>29</sup> It is clear from Taaffe's case that, superficially at least, Charles II's exiled court made comparable efforts to preserve the peace amongst its courtiers. Similarly, Charles II's 1658 declaration against duelling was plainly inspired both by the actions of his

<sup>27</sup> Bacon (1614, pp. 17-18); James I (1614, pp. 86-93); Warner (1920, p. 263); Peltonen (2003, pp. 113-114); Banks (2010, p. 10).

<sup>28</sup> Bacon (1614, p. 18); James I (1614, pp. 37-38); Cromwell (1654, pp. 2-5); Warner (1920, p. 263). Peltonen (2003, pp. 113-114).

<sup>29</sup> Hibbard (1996, pp. 174-176).

royal grandfather and the writings of other early-Stuart figures who wished to put an end to duelling.

So, given the royal disapproval of duelling and the obvious belief that duellists who injured their opponents would be subject to royal punishment, why was the practice so prominent amongst the exiles? A number of inter-related reasons can be advanced. Some of these are unique to the exiled court's circumstances. Other explanations are not, however, as they hold true for other elite early-modern communities. Dealing with the former set of explanations first, one must begin by pointing out that duelling amongst soldiers, particularly within the officer class, was a prominent feature of the early-modern period.<sup>30</sup> Between 1656 and 1659, the years of the Stuart alliance with Spain, war was the whole reason behind the Stuart presence in the Spanish Netherlands. Consequently, many of those who followed the court at this time were military men, serving as soldiers and officers in the combined Spanish-Stuart forces. This is certainly true of Taaffe and Talbot. Given the military character of Charles II's court in the Spanish Netherlands, it comes as no surprise that violence occurred within it. Elite culture also played a part. Like many other members of the early-modern elite, these duellists had a strong sense of honour and were willing to protect their own good name and reputation through violence. Furthermore, as historians like Roger Manning have pointed out, all governments in this period, exiled and non-exiled, lacked the means of coercion necessary to keep the peace and enforce the law. Consequently, private individuals, especially members of the highly-militarised social elite, often resorted to violence to right a perceived wrong.<sup>31</sup>

These previous explanations for duelling, which can certainly be applied to elites generally in England and France during this period, were, in all likelihood, exacerbated by the unique circumstances of the exiled court. For example, some have identified political instability as a cause of duelling in the early-modern era. One can fairly claim that these exiled royalists were subject to a high level of political uncertainty. Many, if not all, of them had been forced abroad by civil war. Making matters worse, their exile tended to be in territories undergoing their own periods of political stress, like the war-scarred Spanish Netherlands of the late-1650s.<sup>32</sup> The causes of violence suggested by Genet-Rouffiac in her study of the banished Jacobite court, namely a sense of dispossession and powerlessness, might also have had some part to play here. The circumstances of the Taaffe-Keith would support this. At the time the duel took place, the exiled royalists' fortunes were especially low. The Spanish alliance was going badly, efforts to promote rebellion at home had failed, and the small royalist army in Flanders had been destroyed at the battle of the Dunes in mid-June 1658.<sup>33</sup> A sense of powerlessness may consequently have been widespread amongst the exiles. Poverty was also a problem, with many of the soldiers in Flanders being owed considerable arrears of pay at this time.<sup>34</sup> The fact that Taaffe and Keith fought over a small sum of money only draws attention to the

<sup>30</sup> Kiernan (1988, p. 113).

<sup>31</sup> Manning (2003, p. 143).

<sup>32</sup> Spierenburg (2008, p. 76).

<sup>33</sup> Firth (1903, p. 85); Cronin (2010, pp. 72-76).

<sup>34</sup> Archives Générales du Royaume, Bruxelles, Secrétairerie d'État et de Guerre, Registre 265/323; Birch (1742b, p. 453).

loss of wealth and resources suffered by these exiles. Yet, though they probably made duelling more likely, one should not exaggerate the impact of political instability, or a sense of powerlessness and dispossession, on patterns of violence amongst these exiles. Individuals such as Talbot, Taaffe's accomplice, did not lack funds at this time and many managed to retain some pretence of gentility. All of the duellists involved in this fight travelled to the field of honour in a coach, for example. Additionally, the royal army was in the process of recovering some of its former strength. Duels continued after September 1658 as well, despite the royalist cause receiving a major fillip then, with the death of Oliver Cromwell.<sup>35</sup> Given all this, one can reasonably conclude that these specific factors only exacerbated, at best, an already pre-existing inclination towards duelling amongst these exiles.

In contrast, if one were seeking a unique cause of duelling amongst the exiled courtiers, then national rivalries would seem to be a more promising avenue of exploration. This exiled court was a place where royalists from England, Scotland and Ireland came into regular and extended contact with each other. Irish and Scottish courtiers had previously attended the early-Stuart court in London, of course, and their presence there did sometimes create tension between them and their English counterparts.<sup>36</sup> Yet their numbers at the early-Stuart court, of necessity, would have been relatively lower and they would not have been present as often there. Given the greater interaction of different nations in the exiled court, then, Newport's aforementioned comment about tensions between English, Irish and Scottish exiles becomes significant. Indeed, Newport made this comment in a letter describing the Taaffe-Keith duel, though his account of the duel erroneously stated that Talbot wounded the Scottish royalist Fleming and that Benion fought Hopton, without causing any harm. Nonetheless, Newport's account, which reflects a belief that Irish and Scottish exiles were in violent conflict with each other, may still be significant. Such rivalries did not arise solely from a natural enmity between the nations, though. Instead, other factors probably exacerbated them. Religious divisions may have played such a role. Certainly, there was great religious distrust between the Catholics, Presbyterians and Anglicans in this court throughout the exile. The treatment each nation received from their Spanish allies at this time may be another factor. According to the Cromwellian Protectorate's newspaper, *The Publick Intelligencer*, the Spanish treated the Irish more favourably, causing feuds between them and the English.<sup>37</sup>

### NEWBURGH AND STANLEY, AND OTHER DUELS

National rivalries certainly played their role in a duel fought in April 1659. This again began at a tennis match. Here, an argument near the court led to a clash between English and Scottish courtiers. The incident began when, two courtiers, Viscount Newburgh and Edward Stanley, turned up drunk at a match. While drunk,

<sup>35</sup> Birch (1742b, p. 453); Bodleian Library Oxford, Clarendon State Papers, vol. 58/184; Firth (1903, pp. 97-100).

<sup>36</sup> Brown (1993, pp. 548-549).

<sup>37</sup> British Library, Thomason tracts, *The Publick Intelligencer*, 5-12 January, 1657, 79: E.500[15]; HMC (1876, pp. 146-147).

Stanley playfully pulled at Newburgh's hair. The Scottish lord responded by calling Stanley a "whore son puppy" and threatening him with a beating. Stanley, offended and desiring retribution, but not wishing to act violently before the King, then left the match. Accompanied by some friends, he returned to his apartments and collected a cudgel. He returned to the tennis court and found Newburgh "in a lane... pissing". Once Newburgh had finished, Stanley attacked him with the cudgel. Such cudgellings were not necessarily administered to inflict hurt. Instead, they were often carried out to shame and demean a rival, and to provoke a duel. Stanley carried out his cudgelling with such gusto that he succeeded in breaking the club over Newburgh's head. Newburgh, seemingly unaffected by the beating, seized a sword from one of his companions and attacked Stanley, who had also swapped his cudgel for a sword. The fight only ended when the King's youngest brother, the Duke of Gloucester, intervened. This is noteworthy as the argument that led to the fight broke out in the royal presence. Indeed, one of Stanley's companions was later reported to have exclaimed as he was leaving the tennis match that he would have struck Newburgh there and then if Charles II had not been present.<sup>38</sup>

A council of the King's nobility sat in judgment on those involved in this fracas afterwards. It soon divided on national lines, however. Much to the chagrin of some English courtiers, the Irish in the council sided with the Scottish and accused Stanley of giving the first offence. Clearly national divisions had a role in assigning blame for this duel, if not for causing it. The council, however, also tells us something about the relationship between the exiled elite and their monarch. Despite the King's previous declaration, this council did not meet to punish both duellists. Rather, it met to decide who had caused the duel: the point of division alone is enough to indicate that. Participating in the duel, then, was not thought worthy of punishment, but causing the duel by giving offence was. This in itself is interesting, as it shows the exiled royal court attempted to dispense justice on questions of honour through a mechanism similar to the one used by its early Stuart predecessors. Specifically, this was an attempt to copy the solution suggested by the Earl of Northampton in 1613, namely to have men of high standing pass judgement on disputes over honour and reputation.<sup>39</sup> This council of nobility, then, was a relatively informal version of the court of Chivalry, established by James I in 1613-1614, and used extensively by Charles I in the 1630s to prevent duels by punishing those who had offended another gentleman's honour. It is also yet another clear example of the exiled Caroline Stuart court following early Stuart precedent.<sup>40</sup> What is more, this was not the only time that such a council of nobility met in exile. In 1647, Prince Rupert of the Rhine, feeling dishonoured by some speeches made by Lord Digby, challenged the latter to a duel. After Charles II, then Prince of Wales, intervened to halt this duel, however, a council of nobility convened to decide on the satisfaction owed to the Prince. The matter was resolved when Digby acknowledged that he had wronged the Prince before the council.<sup>41</sup>

<sup>38</sup> HMC (1907, pp. 130-131); Berwick (1819, p. 251).

<sup>39</sup> Peltonen (2003, pp. 135-137); Cromwell's 1654 ordinance also deemed that offending someone's honour was worthy of punishment, specifying a fine as an appropriate penalty. Cromwell (1654, p. 3).

<sup>40</sup> Peltonen (2003, pp. 135-137); Cust, Hopper (2007, pp. 158, 164-165).

<sup>41</sup> Carte (1739a, pp. 154-155).

Charles II ultimately settled the later dispute between Newburgh and Stanley by calling both duellists together, forgiving them for fighting in the royal presence and imposing bonds of friendship on them.<sup>42</sup> Yet, though Charles II ended the dispute, this fight shows the limits of his power to punish duellists. This quarrel occurred after the issuing of the anti-duelling declaration and, as reports on the combat show, all those involved knew of royal opposition to duels. The fight also started in the King's presence, affronting royal honour. Yet, Charles II did not punish the duellists severely, but chose to make peace between them instead.

For his followers, the King clearly was the ultimate judge. Taaffe, in two different letters written to Charles II soon after his killing of Keith, certainly accepted that he should be subject to royal justice.<sup>43</sup> Furthermore, as the November declaration on duelling showed, loss of his favour and patronage was considered a severe punishment. Taaffe's duel with Keith, though it took place before the issuing of the anti-duelling declaration, also shows that efforts were made to enforce punishments for duelling. It also shows that royal favour did not necessarily provide persons with immunity from punishment. Yet, ultimately, Taaffe's case also demonstrates that the enforcement of these punishments was lax. Taaffe's loss of the monarch's favour did not last long, coming nowhere near forever, as the anti-duelling declaration had threatened. By February 1659, six months after Keith's death, Charles II was writing to Taaffe again. At the end of October that same year, Charles II, who was in the Pyrenees at Franco-Spanish peace negotiations in Fuentarabia at the time, promised Taaffe that they would always be friends. He also gave the Viscount permission to join him. Taaffe took great joy in publicising this, as the King denied other courtiers permission to do so.<sup>44</sup> Finally, and most tellingly, Taaffe was amongst those Irish who took the Scottish side in the Council of nobility in early 1659. Nine months after killing Keith in a duel, then, Taaffe was back in the royal presence. He was also sitting in judgement on other duellists.<sup>45</sup>

### **A RULER OVER DUELLERS: CHARLES II'S EXILED COURT AND ELITE VIOLENCE**

Judging by all this, the exiled court's ability to prevent duelling amongst its members was limited, at best. The councils of nobility held in exile evidently did not try to punish duellists for taking the law into their own hands. They sought instead to limit duelling by providing an alternative forum for deciding matters of honour between potential rivals. Judging by events in the exiled royalist community, though, it seems to have provided little discouragement to duelling. It may even have encouraged it by, as early Stuart critics of the court of chivalry likewise suggested, endorsing the notions of personal honour that underpinned the duel. We can see this if we return to the 1647 council of nobility, convened to resolve the dispute between Prince Rupert and Digby. One of the nobles on that council was Lord Thomas

<sup>42</sup> HMC (1907, pp. 130-131).

<sup>43</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/181; Bodleian Library Oxford, Clarendon State Papers, vol. 58/196.

<sup>44</sup> Crist (1974, letters 19 & 21); Carte (1739b, p. 287).

<sup>45</sup> HMC (1907, p. 130).



Wentworth. Immediately after that particular council met, Wentworth, according to the Irish courtier Daniel O'Neill, tried to force Digby into fighting a duel with another exile, Lord Henry Wilmot.<sup>46</sup>

Another contributing factor to the court's inability to punish duelling was the King's attitude to the issue. The general impression in the historiography of the Stuarts is that Charles II tolerated duelling. Kiernan states that while he issued declarations in the years after the Restoration against duelling, Charles II did not enforce them rigorously and generally tended to pardon offenders afterwards.<sup>47</sup> This was also clearly true before the Restoration. The question is why was he so forgiving? Duels such as these must surely have embarrassed his cause and clearly created dissensions amongst his followers. Additionally, Charles II was an exiled monarch who was actively attempting to assert his claim to be the head of the lawful governments of England, Scotland and Ireland. Yet, such duelling amongst his followers must have weakened his assertion, as it challenged two aspects of his, or any, claim to governmental authority: the prerogatives of legitimising violence and of dispensing justice. There are many possible reasons for his indulgence. For one, the act of judging and forgiving duellists probably added to the royal dignity: no unimportant matter for an exiled King. Accounts of the Newburgh-Stanley case show that there was a certain degree of ritual and display involved in such acts of forgiveness and peacemaking. Both men were sent a paper detailing what faults they were to acknowledge by Charles II's garter King of arms, Edward Walker (one of the officials charged with organising court ceremony). They then entered the King's chamber, where they both submitted to their Monarch. Once he had forgiven them for offending him, he then obliged them to forgive each other. Similar, semi-private, rituals of forgiveness between feuding courtiers were, as Hibbard has pointed out, also a feature of Charles I's antebellum court.<sup>48</sup>

Secondly, while duelling represented an implicit challenge to royal claims to be a dispenser of justice, punishing duelling also provided the crown with the opportunity to carry out, informally at least, this very function. Convening councils of nobility to judge questions of honour testifies to this. Forgiving duellists may have also allowed the monarch to portray himself as both merciful and bountiful. Similarly, the Monarch's granting of mercy to duellists may have reinforced the bonds of loyalty between the former and the latter. In the Newburgh-Stanley case, there may have been pragmatic reasons for forgiving the duellists. The council of the King's nobility certainly brought tensions between the different national groups within the exiled court to the surface. Publicly placing bonds of mutual friendship upon both duellists could have been a ritualistic way of defusing this tension and papering over the cracks within the exiled community. Furthermore, being merciful meant that no one was likely to object to the 'punishment', as Taaffe did when he initially suffered a severe reprimand for killing Keith.<sup>49</sup>

Additionally, though he could play at being a judge, Charles II could not punish his followers severely, as he could not risk alienating them. He relied upon these followers to provide him with the means to maintain whatever political and military

<sup>46</sup> Carte (1739a, p. 156); Peltonen (2003, p. 141).

<sup>47</sup> Kiernan, (1988, p. 100).

<sup>48</sup> HMC (1907, p. 130); Hibbard (1996, p. 170).

<sup>49</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/196-7.



power he had in exile. Specifically, Charles II, if he wanted to retain any hopes of recovering his lost kingdoms, was reliant on his exiled courtiers to provide him with resources, including soldiers. The military arm they provided him with during the Interregnum was substantial. When Charles II allied with Spain in 1656 his adherents brought between 3,000 and 5,000 troops into the Spanish forces. These troops, mostly Irish and Scottish, were controlled by the very elite who indulged in duelling, and it was they who brought them to the Spanish Netherlands. We have already seen how Taaffe prevented Irish mercenary soldiers from defecting from Spanish service in 1655. Many of the duellists mentioned in this paper also played a similar role. Viscount Muskerry's regiment, for instance, was noted for its strong loyalty to its commander. Similarly, Talbot and Newburgh were also military officers. Talbot, moreover, was a favourite of Charles II's brother, the Duke of York. The Prince was a highly respected military commander during the exile, having made his name in French service prior to 1656. Moreover, by the mid-1650s it was felt that Irish troops serving on the continent were particularly inclined to serve under this Prince. All this made him important to royalist military efforts during the Interregnum. This is reflected in Charles II's insistence on his brother joining him in Flanders once the Spanish alliance was secured, despite York's objections. Yet, once he arrived there, York proved to be particularly sensitive about fraternal intervention in his household. At one point in 1656, after his brother attempted to remove a councillor, John Berkeley, from the Duke's household, York withdrew into the United Provinces in protest until he got his way.<sup>50</sup> This behaviour demonstrates how unwise it could be for the King to punish someone like Talbot for duelling.

All this meant that if Charles II was to have access to the troops these men commanded (and to the other resources that they brought as well, such as privateers and money) he had to tolerate their behaviour, and overlook their violent ways. Instead, his best bet was to try to ensure that duelling did not undermine his personal authority within the court and create tensions amongst his supporters. This, while it highlights the fragility of his position vis-à-vis his own elite supporters, does not make Charles II an unusual early-modern monarch. Other kings, including the many non-exiled ones, were in the same boat: a reality not lost on many historians. Other kings likewise needed their gentry and nobility to fight in, and lead their armies, and repressing the duelling inclinations of these people arguably meant suppressing their martial instincts as well.<sup>51</sup>

Aside from casting light on royal-elite relations, Charles II's interventions in these duels also pose a challenge to Norbert Elias's theories surrounding the civilising of the warrior nobility in the early-modern period within court society. Elias hypothesised that royal courts of the seventeenth and eighteenth centuries were spaces where efforts were made to modify noble behaviour, particularly their military inclinations and their indulgence in violence, through etiquette, ritual, and the distribution of social and financial capital. The court, Elias argued, used rewards, along with renaissance concepts of courtesy and good behaviour, to turn them into peaceful courtiers, who were dependent upon their monarch.<sup>52</sup> If the exiled Stuart court conformed to this theory, it should then have made strenuous efforts to eradicate

<sup>50</sup> Clarke (1816, pp. 276-277); Cronin (2010, pp. 165-176).

<sup>51</sup> Kiernan (1988, pp. 68-69); Manning (2003, p. 142).

<sup>52</sup> Elias (2000, pp. 387-398).

private duelling amongst its followers. Charles II and his court, however, seem to have fallen between two stools when it came to controlling duelling. In some ways, despite being exiled, Charles II acted as one would expect a centralising absolutist monarch to do. He certainly sought to curb their violent tendencies of his courtiers, by letting them know that he frowned upon duelling. He also issued declarations against the practice, threatened severe punishments against those involved in such actions, and established law courts (albeit ad-hoc, informal, ones) to adjudicate on issues arising out of duels. At the same time, however, he simultaneously involved himself in the world of the duellists almost as a fellow nobleman, and not as the embodiment of an absolutist centralising government. The councils of nobility called by Charles II to resolve two of the duels under study here did not apply a 'top-down' solution to the problem of duelling. Instead, they deliberately drew upon those notions of honour prevalent amongst the exiled courtiers. Charles II's informal exiled law courts, then, were designed to accommodate his own supporters' views, not alter them.

Comparisons with other seventeenth-century duels also reinforce this idea. In his study of the role of violence in the life of another elite royalist, Sir John Reresby, James Sharpe has drawn attention to the role of persons of high social standing, such as the upper nobility and government officials, in pacifying conflicts, without having recourse to law courts or formal legal sanctions. Reresby had a varied career, serving as a sheriff, a justice of the peace, an MP and governor of York at different stages. He also had a propensity for duelling and brawling throughout his adult years. Frequently, however, the conflicts he was involved in were defused by the intervention of his social superiors, such as Charles II's natural son, the Duke of Monmouth. These interventions frequently ended the feud by making the antagonists accept their rivals as friends. Additionally, Reresby's violent streak did not stop him securing political office, despite a propensity to quarrel with his fellow officials.<sup>53</sup>

This clearly has certain parallels with the handling of Taaffe's duel by the Crown. The Irish nobleman, though banished from court for some little time, was ultimately allowed to carry out certain functions for the Crown and he did not suffer any long-term loss of royal favour. Clearly then, whether it occurred during exile or in the Restoration period, falling foul of the Crown's attempts to limit elite violence did not exclude members of that same elite from serving in royal government. More tellingly, Charles II, though he formally and officially proscribed duelling, preferred to handle such violence in a manner that was in keeping with elite social norms. The King resolved the Stanley-Newburgh rivalry not by punishing them for breaching his anti-duelling declaration, but by acting as an elite peacemaker, much as other members of the social elite did for Reresby after the Restoration. The King's participation in noble culture in this instance is made clear by a contemporary description of the royal actions, because it states that the King urged the two rivals to forgive the affronts to each other's honour, because he had "pardoned the affront done to himself [the King]".<sup>54</sup> Charles II, in other words, made it clear that he too had his personal honour to protect, just like his own courtiers, and their honour code was his honour code. It is fair to say that the King's courtiers realised this. Taaffe certainly did, and he used it to his advantage after he killed Keith. When appealing to Charles

<sup>53</sup> Sharpe (2008, pp. 95-105).

<sup>54</sup> HMC (1907, p. 130).

II for a pardon in late August 1658, Taaffe advanced a number of arguments. Most of these have been described previously. Taaffe also asserted, however, that failure to defend his honour would have perpetually stained his character with everybody, including the King.

... had I avoided what was forced upon me, I am persuaded your Majesty would have had as despicable an opinion of me ... for though your calling and conscience, direct you to disapprove it [the duel], yet honour and reason make it necessary in this age"<sup>55</sup>

One of course, could object that the exiled Crown's treatment of duelling cannot be taken as a legitimate challenge to Elias's theory, as it arises out of an atypical early-modern court. This is to ignore two important points. First, Elias' theory is itself based on an atypical court: specifically, Louis XIV's court at Versailles. Jeroen Duindam has highlighted how unwise it is to treat the French court at Versailles, as described by Elias, as a universally valid model, and has even suggested that it is not appropriate to use it as a model for early-modern France. Duindam has also argued that there was no such thing as a typical early-modern court, as substantial differences existed between royal courts in different places and eras.<sup>56</sup> Second, unique though it undoubtedly was, Charles II's exiled court still met some of the criteria of a princely court. Anna Keay has shown that it also continued to be a centre for royal ceremony, for example. More importantly, and as mentioned earlier, it was still both a King's household and a political space. How else could you describe an institution that claimed the right to govern three kingdoms, commanded the political loyalty of a considerable body of supporters, formed an alliance with one of early-modern Europe's most significant powers and put together a small army?<sup>57</sup>

Finally, though the clashes studied here do not conform to the classic conception of a duel, they all can still be classified as such. They all meet Billacois' definition of the duel: "a fight between two or several individuals (but always with equal numbers on either side), equally armed, for the purpose of proving either the truth of a disputed question or the valour, courage and honour of each combatant".<sup>58</sup> Though they appear chaotic enough at first glance, there were some rules constraining the combatants. All the combats involved equal numbers on each side, and seconds accompanied the principal combatants. They also had witnesses and, if we ignore Stanley's initial use of a cudgel, the combatants fought with the same weapons. Even then Stanley probably only used the cudgel to force his rival to fight a duel and he put it aside once Newburgh drew a sword. All the described clashes also meet Peltonen's definition of the duel. They were private fights, caused by an insult and organised to defend a combatant's sense of honour.<sup>59</sup> Well-established rules also clearly applied to the combatants after the fight. Taaffe, for instance, expected some of his opponents to collude with him in avoiding punishment for defending his honour. Why else did he name Fleming and Hopton as witnesses to the truth of his version of events?

<sup>55</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/196.

<sup>56</sup> Duindam (1990, pp. 6-9, 2003, pp. 8-13).

<sup>57</sup> Keay (2008, pp.45-61). For more on the court as a political space see, Cronin (2011).

<sup>58</sup> Billacois (1990, p. 5).

<sup>59</sup> Peltonen (2003, p. 2).

Indeed, Taaffe and his fellow duellists may have even gone further in their collusion. If we analyse Taaffe's account of his duel closely it seems strange that, after having initially turned down Taaffe's offer of re-imbursement, Keith should include a threat of violence with a request to return the money. On the other hand, it is entirely possible that Keith made no such threat, but that Taaffe found this change of heart both personally insulting and ungentlemanly. If this was the case, then it is more likely that Taaffe issued the original challenge, but that it was afterwards agreed to blame Keith for provoking the duel, thus effectively blaming the fight on someone who was beyond the King's justice.<sup>60</sup>

Yet, though clearly highly ritualised and regulated, many of the aforementioned clashes do show some variation from previously established duelling patterns of the British and Irish elite. According to Peltonen, seconds did not generally participate in duels in early-seventeenth century Britain and Ireland, but only oversaw them.<sup>61</sup> This claim is partly-contradicted by James Cleland's 1607 textbook for would-be young English nobles, *Hero Paideia*. In this, the author remarked that persons who acted as seconds at a duel would end up participating in the fight. Yet, Cleland also insisted that such a turn of events was undesirable. He consequently instructed his readers not to employ seconds at all.<sup>62</sup> As mentioned previously, however, Taaffe's duel was organised according to a French model. It is also more akin to duels fought in Restoration era Britain and Ireland, as seconds became increasingly involved in the fighting in these latter combats.<sup>63</sup> Taaffe's duel is not the only example of such behaviour amongst the wider circle of royalist exiles. Thomas Sandys, for instance, fought in a two-on-two duel in 1647, conducted on horseback and fought with both pistol and sword, while in France. He and his opponent both survived, but their seconds killed each other. Similarly, when Wilmot and Digby eventually fought their duel in 1647, just outside Paris it turned into a three-on-three duel. This was despite the protests of both Digby and Wilmot, who sought to have their seconds stand aloof.<sup>64</sup> The Stanley-Newburgh contest for its part, though the seconds did not participate, lacked any formal challenge or organisation and was somewhat more chaotic. Consequently, there may not have been time to organise the participation of seconds in this clash. It may be significant, though, that one of Stanley's companions also felt insulted by Newburgh's behaviour and threatened violence against the Viscount, as it implies a willingness to get involved in the quarrel.

All this suggests two things. First, despite the court's attempts to preserve traditional British norms as best it could, particularly in how it dealt with duels, local influences nonetheless affected exile behaviour, causing pre-exile modes of behaviour to alter. The exiles changed the way they fought duels during the 1640s and 1650s, abandoning the format used in Britain and Ireland prior to the civil wars. This may have happened because, under continental influence, the principals' seconds

<sup>60</sup> Bodleian Library Oxford, Clarendon State Papers, vol. 58/181; Bodleian Library Oxford, Clarendon State Papers, vol. 58/183-4; Kiernan (1988, pp. 149-150); Peltonen (2003, p. 48).

<sup>61</sup> To back up his case Peltonen cited an English duel from 1618. In this duel a second, who had picked up the habit in France, unsuccessfully attempted to participate in the fighting. His opposite number refused to join in, however. Peltonen (2003, p. 60n).

<sup>62</sup> Cleland (1607, pp. 237-238).

<sup>63</sup> Shoemaker (2002, p. 531); Kelly (1995, p. 32).

<sup>64</sup> Carte (1739a, pp. 156-158); Knowles (1980, p. 84); Newman, (1993, p. 128).

somehow came to believe that their own honour was at stake as well and they had to defend it. The aforementioned threat made by one of Stanley's companions before the clash with Newburgh in April 1659 clearly supports this possibility. Similarly, Daniel O'Neill fought in the Wilmot-Digby duel because he felt personally insulted by Wilmot's behaviour before the fight.<sup>65</sup> For their part, Hopton and Talbot probably fought in the Taafe-Keith duel because the earlier tennis match had implicated them in the affair. Second, it can be argued that this exiled elite is responsible for bringing continental-style duels into Britain and Ireland. Certainly, many former elite royalist exiles, such as the Earls of Ossory and Buckingham, indulged in continental-style duels after the Restoration, and James Kelly maintains that these very exiles were important for transmitting codes of honour and continental duelling practices into Restoration Ireland.<sup>66</sup>

## CONCLUSIONS

In Charles II's exiled court, as in English and French elite culture in the seventeenth century, individuals could, and did, use violence to defend their name, their position and their status within elite society. Indeed, if one was to accept the anecdotal impression given by contemporary accounts, the exiled courtiers were more inclined to do so than others. Assuming that a greater tendency towards violence actually did exist amongst this elite, one could reasonably speculate that a sense of powerlessness and dispossession associated with exile lay behind this. Yet, tempting as this idea is, there is actually little hard empirical evidence to support it. Furthermore, there seems to be nothing especially unique about the causes of the duels under study. It is clear that, within this court, perceived slights of an elite person's sense of honour could, and did, lead to duels amongst the royalist exiles, just as it did with other contemporary elite European communities. Similarly, the duellists defended their behaviour with the same arguments that other generations of duellists had used previously. In short, while exile may have increased the likelihood of duels occurring in this environment, it did not alter the reasons or justifications for duelling.

Exile did not alter elite duelling practices in other important ways. These private combats continued to display many of the features associated with duels in Britain and Ireland previously. They involved even numbers of combatants, and the same clear, socially acceptable, rules of behaviour that had governed duellists' actions before the royalist exile continued to do so during the exile. Refusing a challenge from one's social equal was considered ungentlemanly and those who were slow to accept one were soon pressurised to do so. Participants in duels during the exile were also expected to co-operate with each other in sidestepping punishment for their actions. The efforts of the exiled court to prevent duelling likewise owed much to previous practice. During the 1650s, Charles II employed the same measures as previous generations of Stuart kings to control duelling. Similar punishments were threatened, similar rituals of forgiveness were used to defuse tensions between courtiers and ad-hoc courts, inspired by those of Charles I and James I, were

<sup>65</sup> Carte (1739a, p. 149).

<sup>66</sup> Kelly (1995, pp. 30-32).

established to resolve questions of honour. Exile only changed the duelling practices of British and Irish elite persons in one notable way. French-style duelling, in which seconds actively participated in the fighting, clearly became more common amongst this elite during the Interregnum and this fashion was transported home with them after the Restoration. In effect, exile, by familiarising elite royalist exiles with more dangerous practices, had the medium to long-term impact of making duelling in Britain and Ireland more hazardous. The overwhelming levels of continuity between royal and elite practices in exile on one hand, and early-Stuart practices on the other, are important. They mean that the exiled court can usefully be used to study royal and elite attitudes to duelling generally, and can cast light upon wider royal-noble/elite relations.

Bearing this last point in mind then, what can we say about Charles II's relationship with his own exiled elite? Certainly, it is clear that this monarch retained the political authority to act as a judge of his own courtiers, despite his exile. Yet, he also clearly lacked the effective political power necessary to enforce any real punishment against duellists. As pointed out earlier, this lack of power to punish duelling amongst his militarised elite was not unique to this King, however. Other early-modern rulers had the same problem. Instead, it is arguably more significant that Charles II's exiled followers continued to accept that their King had the right to oversee questions of justice and peace within their community, so long as he did not alienate them in doing so, and so long as he showed a willingness to participate in their honour code. This he plainly did, and this demonstrates that Charles II was willing to co-operate with his own elite on the issue of duelling, rather than coerce them. While the exiled court employed English-style courts and legal precedents to decide duelling issues, it only did so in defence of an individual's honour. Furthermore, Charles II simultaneously used rituals and informal peacekeeping methods familiar to his elite to resolve problems arising from honour disputes. This means that royal efforts to control elite violence during the exile did not take a 'top-down' approach. Instead, the Crown took a more inclusive and co-operative approach to the problem: one designed to avoid alienating its own elite followers. The King actively participated in the honour code of his elite followers and tried to use it to limit the negative consequences of their duelling. Charles II's active participation in his own elite's honour code, however, had one important corollary. It meant that he had to pardon Taaffe for killing Keith and allow him back into court. If Charles II wanted to be seen as someone who shared his elite's honour code, then he could not inflict a harsh punishment on Taaffe for defending his honour. This meant that once Taaffe asked for pardon he was almost sure to get it, especially after he recognised his King's role as a dispenser of justice and acknowledged his own dependence upon the Monarch.

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